

GENERAL SERVICES ADMINISTRATION  
Washington 25, D. C.

April 30, 1951

:Concurrence or suggestions for changes are requested:  
:by May 31, 1951. If reply is not received by that :  
:date, your concurrence will be assumed. :

DRAFT - For discussion purposes only

GENERAL REGULATION NO.

TO: Heads of Federal Agencies

SUBJECT: Abandonment, Destruction, or Donation of Property  
to Public Bodies

1. Purpose. This Regulation prescribes the policies and methods governing the abandonment, destruction, or donation to public bodies of certain property by executive agencies. It is issued pursuant to the authority vested in the Administrator of General Services by the provisions of the Federal Property and Administrative Services Act of 1949, as amended (Public Laws 152 and 754, 81st Congress).

This Regulation does not apply to:

- a. Excess property located outside the continental United States, Hawaii, Alaska, Puerto Rico, and the Virgin Islands;
- b. Surplus property donated to educational or public health institutions pursuant to Section (j) and (k) of the Federal Property and Administrative Services Act of 1949, as amended;
- c. Narcotics and reserved materials as defined and governed by General Services Administration Personal Property Management Regulation No. 3, Revised.

2. Definitions.

- a. "Combat materiel" means arms, ammunition and implements of war listed in the currently effective proclamation under the Neutrality Act, 22 U.S.C. 452 (i).
- b. "No commercial value" means:
  - (1) In the case of personal property, property which is not usable and cannot economically be rehabilitated for use for the purposes for which it was originally intended, and can reasonably be expected to have no market value for use as an entity for any other purpose.
  - (2) In the case of real property, property which has no reasonable prospect of sale for any purpose.

- c. "Public body" means any State, Territory or possession of the United States, any political subdivision thereof, the District of Columbia, any agency or instrumentality of any of the foregoing, or any agency of the Federal Government.
  - d. "Real property" means:
    - (1) Any interest in land (except the public domain and lands reserved or dedicated for national forest or national park purposes) owned by the United States, including any wholly owned Government corporation, and any fixtures, appurtenances, and improvements of any kind located thereon;
    - (2) Any fixtures, structures, and other improvements (excluding standing timber and crops) owned by the United States; and
    - (3) Any fixtures, structures, and other improvements owned by the United States which are located on the public domain and lands reserved or dedicated for national forest or national park purposes or located on land that is not owned by the United States.
  - e. "Reviewing authority" means a local, regional or departmental board of review of an executive agency. It may consist of one or more persons.
  - f. Other terms which are defined in the Federal Property and Administrative Services Act of 1949, as amended, shall have the meaning given to them in such Act.
3. Findings Justifying Abandonment, Destruction, or Donation to Public Bodies.
- a. General. Except as to property disposed of under Section 5c of this Regulation, no excess property shall be abandoned, destroyed, or donated by an executive agency unless it shall have been affirmatively found, in writing, by a duly authorized official of such agency either that (1) such property has no commercial value, or (2) the estimated cost of its continued care and handling would exceed the estimated proceeds from its sale. Such finding shall not be made by any official directly accountable for the property covered thereby.
  - b. Reviewing Authority. Whenever all the property proposed to be disposed of hereunder by an executive agency at any one location at any one time had an original cost (estimated if not known) of more than \$1,000, findings made under subsection a. of this section shall be approved by a reviewing authority before any such disposal.

- c. Surplus Property. Any property which has been determined by the General Services Administration to be surplus pursuant to the provisions of Personal Property Management Regulation No. 3, Revised, or Public Buildings Circular No. 1, may be abandoned, destroyed or donated under this Regulation, provided the findings prescribed in this section have been made and approved, if necessary, by a reviewing authority.

4. Donations to Public Bodies.

- a. Authority to Donate. Any executive agency may donate to public bodies excess property as to which findings have been made pursuant to Section 3 of this Regulation, provided that no such donation of real property shall be made without prior approval of the General Services Administration.
- b. Disposal Costs. Any public body receiving property from an executive agency pursuant to this Regulation shall pay all disposal costs incident to the donation, including packing, preparation for shipment, loading, and transportation to the donee.

5. Abandonment or Destruction.

- a. Authority to Abandon or Destroy. Property may be abandoned or destroyed by an executive agency whenever:
  - (1) A finding to abandon or destroy has been made and approved, if necessary, by a reviewing authority in accordance with Section 3 of this Regulation;
  - (2) Donation of the property in accordance with Section 4 of this Regulation has been determined, in writing, by a duly authorized official of such agency not to be feasible; and
  - (3) Appropriate notice, if required by subsection b. of this section, has been made of the agency's intent to abandon or destroy the property.

No abandonment or destruction shall be made in a manner which is detrimental or dangerous to public health or safety or which will cause infringement of the rights of other persons. If at any time prior to actual abandonment or destruction, donation of such property pursuant to this Regulation becomes feasible, such donation shall be made in accordance with Section 4 above.

- b. Notice of Proposed Abandonment or Destruction. Except as provided in subsection c. of this section, excess property shall not be abandoned or destroyed by any executive agency until thirty (30) days after publication of notice of such proposed abandonment or destruction. Such notice shall contain a general description of the property to be abandoned or destroyed and shall be published once in a newspaper having a general circulation in the area in which the property is located. Such notice shall contain an

offering of the property for sale. A copy of such notice shall be given to the appropriate regional office of the General Services Administration for the area in which the property is located at the beginning of such 30-day period, provided that no such abandonment or destruction of real property, in whole or in part, shall be made without prior approval of the Administration.

- c. Abandonment or Destruction without Notice. Excess property may be abandoned or destroyed by an executive agency without publication of notice upon a written finding by a duly authorized official thereof, approved by a reviewing authority, that the immediate abandonment or destruction of the property is necessary or desirable in the best public interest because of its nature or because of the expense or difficulty of its care and handling. Such abandonment or destruction would be appropriate under this subsection whenever (1) the value of the property is so little or the cost of its care and handling is so great that its retention for thirty (30) days to advertise for sale is clearly not economical, or (2) abandonment or destruction is required by military necessity or by considerations of health, safety or security. Whenever all of the property proposed to be abandoned or destroyed at any one location at any one time had an original cost (estimated if not known) of less than \$100, it shall be presumed for the purposes of this subsection that its immediate abandonment or destruction without notice is justified by reason of the expense or difficulty of its care and handling.

6. Dangerous Property and Combat Materiel.

- a. Dangerous Property. No property which is dangerous to public health or safety shall be abandoned, destroyed or donated to public bodies pursuant to this Regulation without first rendering such property innocuous or providing adequate safeguards therefor.
- b. Combat Materiel. No combat materiel shall be abandoned, destroyed or donated to public bodies pursuant to this Regulation without first demilitarizing such property if such demilitarization is found by a duly authorized official of the executive agency concerned to be in the interest of public health, safety or security. Such demilitarization may include rendering such property innocuous, stripping from it any confidential or secret characteristics, or otherwise making it unfit for military use. Demilitarization of property to be donated to public bodies shall be accomplished in such manner as to preserve so far as possible any civilian utility or commercial value of the property.

7. Exceptions. Exceptions from any portion of this Regulation shall be permitted only by direction of the Administrator.

8. Rescission of Regulations. General Services Administration Temporary Regulation No. 5, dated August 28, 1949, and Order No. 1 thereto, dated June 6, 1950, are hereby rescinded and reference thereto in

other regulations or instructions, where applicable, shall be deemed to be references to this Regulation.

9. Effective Date. This Regulation shall become effective

JESS LARSON  
Administrator